

June 3, 1998

The Honorable Federico Peña  
Secretary of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585-1000

Dear Secretary Peña:

The Defense Nuclear Facilities Safety Board (Board) has reviewed the Department of Energy's (DOE) preparations for start up of transuranic (TRU) waste disposal operations at the Waste Isolation Pilot Plant (WIPP). In accordance with 42 U.S.C. Section 2286a, the Board conducted reviews of the nuclear safety implications of receiving, handling, and emplacement at WIPP of waste drums containing radioactive materials from defense nuclear facilities. In so doing, the Board has acted to complement, not duplicate or overlap, the reviews of the Environmental Protection Agency in certifying the site as suitable for long-term disposal or the reviews of the State of New Mexico in conjunction with Resource Conservation and Recovery Act (RCRA) permitting. More specifically, in reviews conducted during the past year, the Board's staff examined the Safety Analysis Report (SAR) for WIPP and supporting documentation, and also examined selected significant nuclear safety systems including surface and underground ventilation systems. Since the start of 1998, the staff has also observed an Emergency Preparedness exercise and the DOE Operational Readiness Review (ORR). The ORR was thorough and professionally executed. Pre-start findings of the ORR team were appropriately dispositioned prior to the March 26, 1998, declaration of readiness to operate issued by the Carlsbad Area Office manager. Based on reviews by the Board's staff, the Board believes WIPP can be operated safely.

As you know, a very substantial volume of TRU waste has built up over the years in the defense nuclear complex. That waste is in many forms, some of it improperly stored or buried. Much of it is packed in drums and stored temporarily at various sites awaiting final safe disposition. Until disposed at WIPP, these wastes continue to pose a risk to both the public and workers. In the interests of risk reduction, it is the Board's view that startup of waste disposal operations should commence as soon as practicable so that the backlog of TRU wastes at defense nuclear facilities can be dispositioned. While WIPP operation is crucial to TRU cleanup complex-wide, it is especially so for the achievement of the Department's program for early closure of Rocky Flats. We wish to repeat the point made in our January 29, 1998, letter concerning the

opening of WIPP. This step is an essential part of the strategy of early closure of the Rocky Flats Plant since it ensures that containers of potentially unstable residues at the Rocky Flats Plant would be expeditiously dispositioned pursuant to the intent of subrecommendation (5) of Board Recommendation 94-1.

The Board understands that initial operations at WIPP are likely to be limited to TRU waste not mixed with materials treated as hazardous in accordance with the RCRA. The Board expects that the experience gained in this initial disposition will be beneficial when a ramp-up in shipments begins with the shipment of TRU containing RCRA constituents following issuance of a RCRA permit by the State of New Mexico. Throughout, the Board will continue its oversight of WIPP TRU waste disposal operations related to worker and public health and safety.

Sincerely,

John T. Conway  
Chairman

c: Mr. Mark B. Whitaker, Jr.